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July 27, 2021

VIA ECF

Hon. Paul A. Engelmayer
United States District Court Judge
United States Courthouse
40 Foley Square
Courtroom 1305
New York, New York 10007

Re: *United States v. David Binet*, No. 19 Cr. 824 (PAE)

Dear Judge Engelmayer:

We represent David Binet in the above-captioned case. We write to request an additional two-month adjournment of Mr. Binet's August 3, 2021 date to report to the federal Bureau of Prisons' ("BOP") designated facility to: (1) permit him to complete needed medical care prior to his incarceration, and (2) to give the BOP an opportunity to lift the punishing approximately 20-day mandatory quarantine period that every inmate is required to endure in conditions of solitary confinement.

First, as the Court is aware, Mr. Binet suffers from a serious cardiac condition for which he has received continuous treatment for nearly 15 years. After suffering a heart attack at the age of 50 in 2007, Mr. Binet had stents inserted on three occasions: first, immediately after his heart attack, and again in 2015 and 2016. *See* David Binet Sentencing Mem., ECF Doc. 53 at 25 (Nov. 30, 2020). Mr. Binet's heart condition is also treated with several daily medications. *See id.* In advance of his BOP report date, Mr. Binet was examined by his treating cardiologist earlier this month. Concerned by Mr. Binet's symptoms, the doctor prescribed an additional stress test, and a follow-up appointment to consider additional treatment options after receiving the results of his stress test. This next appointment is scheduled for August 17, 2021, which I understand was the first appointment made available to Mr. Binet by the cardiologist. Because of the severity of Mr. Binet's heart condition, it is important for his health that his treating cardiologist complete his testing and treatment protocol prior to Mr. Binet's report date. We, therefore, respectfully request a two-month adjournment of that date to afford Mr. Binet the opportunity to complete this process with his existing cardiologist.

Mr. Binet is similarly completing necessary dental work prior to his incarceration. He suffered acute dental problems earlier this spring, which required several months' worth of dental treatments. He has undergone a root canal on one of his teeth, and is in the process of getting a

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crown placed. These procedures require multiple additional visits to complete, which he is working to schedule by the end of August.

Finally, while many federal inmates are vaccinated, the BOP still requires each new inmate to quarantine for approximately 20 days upon arrival at the facility. That quarantine period constitutes isolation in solitary confinement—some of the most torturous conditions in a BOP facility. Ordinarily Mr. Binet, a minimum-security defendant who will serve his sentence in a satellite camp, would not have to endure such mentally and physically punishing conditions. Particularly because Mr. Binet is elderly with significant health conditions, the harsh solitary confinement period could be dangerous to his well-being. As the nation's vaccination campaign continues apace, and restrictions are lifted throughout the country, we are hopeful that the BOP will similarly remove its strict quarantine requirement, and collateral punitive effect. We further respectfully request this brief adjournment so that Mr. Binet can avoid serving several weeks of his sentence for a first-offender, non-violent financial crime in the harsh conditions of solitary confinement.¹

We have conferred with counsel for the government, who advised us that the government intends to oppose this request.

Respectfully Submitted,

/s/ IH
Henry E. Mazurek
Ilana Haramati

Counsel for Defendant David Binet

cc: Counsel of Record (*via ECF*)

The Court directs the Government to file its response by Thursday, July 29, 2021, at noon

SO ORDERED.

7/27/2021



PAUL A. ENGELMAYER
United States District Judge

¹ Mr. Binet has yet to be vaccinated against Covid-19. He remains concerned about the vaccine's side effects, as his sister with similar preexisting health conditions suffered worrisome medical consequences following her vaccinations. While we do not posit Mr. Binet's vaccination status as an independent reason for adjourning his surrender date, it remains a relevant consideration for the Court.